

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CLINT FISHER, individually and on behalf
of the participants in Inlandboatmens Union
of the Pacific National Pension Plan and its
participants,

Plaintiff,

v.

**MARINA SECCHITANO; LEE EGLAND;
BRIAN DODGE; DONOVAN DUNCAN;
PETER HART; GAIL MCCORMICK;
JOHN SKOW; ADAM SMITH; ROBERT
ESTRADA; MATT HAINLEY; PATRICK
MURPHY; ALICE NG; MIKE
O'CONNOR; and ROBERT RELLER,**

Defendants.

Case No. 3:18-cv-01639-JR

OPINION AND ORDER

MOSMAN, J.,

On February 3, 2020, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation ("F&R") [57], recommending that Defendants' Motion to Dismiss [44] and Request for Judicial Notice [45] be granted. Plaintiff objected [59], and Defendants filed a response to the objection [61].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to


make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Russo's recommendation and I ADOPT the F&R [57]. I GRANT Defendants' Request for Judicial Notice [45] and Motion to Dismiss [44]. This case is DISMISSED without prejudice.

IT IS SO ORDERED.

DATED this 5th day of March, 2020.


MICHAEL W. MOSMAN
United States District Judge